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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Greg Hess,

No. CV-24-00428-TUC-SHR

10 Plaintiff,

11 v.

ORDER

12 Mark Dannels, et al.,

13 Defendants.

14

15 On or about June 12, 2024, Plaintiff Greg Hess, who is confined in the Arizona State

16 Prison Complex-Eyman, filed a pro se Complaint in Cochise County Superior Court

17 against Defendants Mark Dannels, Cochise County, and the State of Arizona. Defendants

18 Dannels and Cochise County waived service on August 9, 2024. (Doc. 1-3 at 12–21.) On

19 August 26, 2024, Defendants timely removed the matter to this Court and paid the filing

20 fees. Plaintiff has subsequently filed an Objection to removal (Doc. 8), a Motion requesting

21 an extension of time to serve Defendants (Doc. 5), and a Motion requesting that Defendants

22 resend copies of certain filings (Doc. 13). The Court will deny the motions and dismiss

23 the Complaint with leave to amend.

24 **I. Removal**

25 A defendant may remove any civil action brought in state court over which the

26 federal court would have original jurisdiction. 28 U.S.C. §1441(a). That is, a civil action

27 that could have originally been brought in federal court may be removed from state to

28 federal court. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). A federal court has

1 original jurisdiction “of all civil actions arising under the Constitution, laws, or treaties of
2 the United States.” 28 U.S.C. § 1331.

3 Plaintiff objects to removal, asserting “this case is purely a state matter.” (Doc. 8 at
4 1–2). However, in his Complaint, and as he recognizes in his Objection, Plaintiff identified
5 as bases for relief—among other, non-federal causes of action—the Fourteenth
6 Amendment to the United States Constitution and 42 U.S.C. § 1983. Accordingly, the
7 Court finds Defendants properly interpreted Plaintiff’s Complaint as raising federal causes
8 of action and thus properly removed the matter to this Court. Further, the case was timely
9 removed, and all served Defendants indicate they consent to removal. 28 U.S.C. § 1446(b).
10 Accordingly, the Court will accept jurisdiction over this matter.

11 **II. Statutory Screening of Prisoner Complaints**

12 The Court is required to screen complaints brought by prisoners seeking relief
13 against a governmental entity or an officer or an employee of a governmental entity. 28
14 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff
15 has raised legally frivolous or malicious claims, fails to state a claim upon which relief may
16 be granted, or seeks monetary relief from a defendant who is immune from such relief. 28
17 U.S.C. § 1915A(b)(1)–(2).

18 A pleading must contain a “short and plain statement of the claim *showing* that the
19 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does
20 not demand detailed factual allegations, “it demands more than an unadorned, the-
21 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
22 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere
23 conclusory statements, do not suffice.” *Id.*

24 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a
25 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550
26 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content that
27 allows the court to draw the reasonable inference that the defendant is liable for the
28 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for

1 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial
 2 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual
 3 allegations may be consistent with a constitutional claim, a court must assess whether there
 4 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

5 But as the United States Court of Appeals for the Ninth Circuit has instructed, courts
 6 must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342
 7 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less stringent
 8 standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551
 9 U.S. 89, 94 (2007) (per curiam)).

10 If the Court determines a pleading could be cured by the allegation of other facts, a
 11 *pro se* litigant is entitled to an opportunity to amend a complaint before dismissal of the
 12 action. *See Lopez v. Smith*, 203 F.3d 1122, 1127–29 (9th Cir. 2000) (en banc). The Court
 13 will dismiss Plaintiff’s Complaint for failure to state a claim, but because it could
 14 potentially be amended to state a claim, the Court will dismiss it with leave to amend.

15 **III. Complaint**

16 In his Complaint, Plaintiff names Cochise County Sheriff Mark Dannels,¹ Cochise
 17 County, and the State of Arizona as Defendants. Plaintiff alleges:

18 On July 10, 2023, I notified the Pinal County Sheriff’s Office of my desire
 19 to file a criminal complaint. On September 22, 2023, I was notified in writing
 20 by Deputy Joel Chase, Badge #2498, Pinal County Sheriff’s Office, that my
 21 complaint (#230831093) was transferred to Cochise County Sheriff’s Office.
 22 On October 10, 2023, I contacted Sheriff Dannels to request an update. I
 have requested a legal call through ADCRR on two separate occasions, but
 my requests have been refused by Sheriff Dannels each time. On March 11,
 2024, I sent Sheriff Dannels, the Board of Supervisors, and the Arizona
 Attorney General’s Office a “Notice of Claim” and “Written Demand.”

23 As relief, Plaintiff seeks “an immediate investigation (via issuance of writ of
 24 mandamus) into violations of A.R.S. § 13-1304 and 13-1305, by Plaintiff’s ex-wife,” “legal
 25 costs and expenses,” “a copy of the investigation official report and all evidence collected,”
 26 and “all additional damages the Court deems prudent.”

27

28 ¹ Dannels is named in his official capacity.

1 IV. Failure to State a Claim

2 Based on Plaintiff's allegations, the Court is unable to deduce the nature of any
 3 claim Plaintiff may be attempting to make. Although pro se pleadings are liberally
 4 construed, *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), conclusory and vague
 5 allegations will not support a cause of action, *Ivey v. Bd. of Regents of the Univ. of Alaska*,
 6 673 F.2d 266, 268 (9th Cir. 1982). Further, a liberal interpretation of a civil rights
 7 complaint may not supply essential elements of the claim not initially pled. *Id.*
 8 Accordingly, the Complaint will be dismissed with leave to amend.

9 V. Leave to Amend

10 Within 30 days, Plaintiff may submit a first amended complaint to cure the
 11 deficiencies outlined above. The Clerk of Court will mail Plaintiff a court-approved form
 12 to use for filing a first amended complaint. If Plaintiff fails to use the court-approved form,
 13 the Court may strike the amended complaint and dismiss this action without further notice
 14 to Plaintiff.

15 Plaintiff must clearly designate on the face of the document that it is the “First
 16 Amended Complaint.” The first amended complaint must be retyped or rewritten in its
 17 entirety on the court-approved form and may not incorporate any part of the original
 18 Complaint by reference. Plaintiff may include only one claim per count.

19 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,
 20 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896
 21 F.2d 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original
 22 Complaint as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action raised in the
 23 original Complaint and voluntarily dismissed or dismissed without prejudice is waived if
 24 it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693 F.3d 896,
 25 928 (9th Cir. 2012) (en banc).

26 Plaintiff should be aware that if he intends to seek relief solely pursuant to state
 27 law—that is, if he intends this action to be “purely a state matter”—he should not include
 28 any federal bases for relief in any amended complaint he files.

VI. Motions

A. Motion for Extension of Time to Serve

Plaintiff seeks an extension of time in which to serve Defendant State of Arizona. The Motion will be denied as unnecessary. If Plaintiff files an amended complaint sufficiently stating a federal cause of action against the State of Arizona,² the Court will order the United States Marshals Service to effect service at that time.

B. Motion to Direct Defendants to Resend Copies

Plaintiff seeks an Order directing Defendants to resend a copy of Doc. 11 to him because he never received it. Defendants avow they have done so (Doc. 15), but Plaintiff states Defendants resent Doc. 10 instead. Upon its own review, the Court notes Docs. 10 and 11 are virtually identical.³ As such, because Plaintiff avows he has received Doc. 10, and he has thus functionally received Doc. 11, the Motion will be denied.

VII. Warnings

A. Address Changes

Plaintiff must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action.

B. Possible Dismissal

If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963 F.2d at 1260–61 (a district court may dismiss an action for failure to comply with any order of the Court).

² Plaintiff should be aware that under the Eleventh Amendment to the Constitution of the United States, a state or state agency may not be sued in federal court without its consent. *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989). Furthermore, “a state is not a ‘person’ for purposes of section 1983.” *Gilbreath v. Cutter Biological, Inc.*, 931 F.2d 1320, 1327 (9th Cir. 1991) (citation omitted).

³ This is likely because the two filings were addressing different motions that were, in substance, functionally identical, and they thus did not differ in any meaningful way.

IT IS ORDERED:

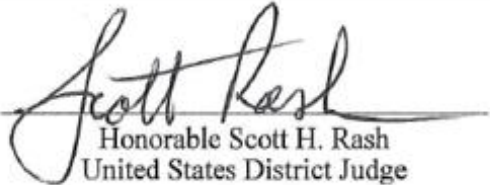
(1) The Complaint (Doc. 1-3 at 2–5) is **dismissed** for failure to state a claim. Plaintiff has **30 days** from the date this Order is filed to file a first amended complaint in compliance with this Order.

(2) If Plaintiff fails to file an amended complaint within 30 days, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action with prejudice stating the dismissal may count as a "strike" under 28 U.S.C. § 1915(g) and denying any pending unrelated motions as moot.

(3) Plaintiff's Motions (Docs. 5 and 13) are **denied**.

(4) The Clerk of Court must mail Plaintiff a court-approved form for filing a civil rights complaint by a prisoner.

Dated this 19th day of November, 2024.



Honorable Scott H. Rash
United States District Judge

**Instructions for a Prisoner Filing a Civil Rights Complaint
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4 provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. The Filing and Administrative Fees. The total fees for this action are \$405.00 (\$350.00 filing fee plus \$55.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. § 1915” for additional instructions.
5. Original and Judge’s Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Unless you are an inmate housed at an Arizona Department of Corrections facility that participates in electronic filing, mail the original and one copy of the complaint with the \$405 filing and administrative fees or the application to proceed in forma pauperis to:**

Phoenix & Prescott Divisions:
U.S. District Court Clerk
U.S. Courthouse, Suite 130
401 West Washington Street, SPC 10
Phoenix, Arizona 85003-2119

OR

Tucson Division:
U.S. District Court Clerk
U.S. Courthouse, Suite 1500
405 West Congress Street
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis). Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. *See Fed. R. Civ. P. 5(a), (d).* Any document received by the Court that does not include a certificate of service may be stricken. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed
this _____ (month, day, year) to:

Name: _____

Address: _____

Attorney for Defendant(s)

(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

12. Completing the Civil Rights Complaint Form.

HEADING:

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

Part A. JURISDICTION:

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “*Bivens v. Six Unknown Federal Narcotics Agents*” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

Part B. PREVIOUS LAWSUITS:

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

Part C. CAUSE OF ACTION:

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**
2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked “Other,” you must identify the specific issue involved.
3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.
4. Injury. State precisely how you were injured by the alleged violation of your rights.
5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. *See* 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

Part D. REQUEST FOR RELIEF:

Print the relief you are seeking in the space provided.

SIGNATURE:

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

FINAL NOTE

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

_____,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) _____,
(Full Name of Defendant)

(2) _____,

(3) _____,

(4) _____,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: _____.

2. Institution/city where violation occurred: _____.

B. DEFENDANTS

1. Name of first Defendant: _____. The first Defendant is employed as: _____ at _____.

(Position and Title)
(Institution)
2. Name of second Defendant: _____. The second Defendant is employed as: _____ at _____.

(Position and Title)
(Institution)
3. Name of third Defendant: _____. The third Defendant is employed as: _____ at _____.

(Position and Title)
(Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as: _____ at _____.

(Position and Title)
(Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: _____
 2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
 3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

 4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

 5. **Administrative Remedies:**

 - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
 - b. Did you submit a request for administrative relief on Count I? ☐ Yes ☐ No
 - c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☐ No
 - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

COUNT II

1. State the constitutional or other federal civil right that was violated: _____
_____.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

COUNT III

- [illegible]

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.